

Message Text

SECRET

PAGE 01 STATE 027525

13

ORIGIN SCCT-02

INFO OCT-01 EUR-02 ISO-00 /005 R

DRAFTED BY: S/CCT: JNGATCH

APPROVED BY: S/CCT: JNGATCH

----- 062396

R 222006Z MAR 74

FM SECSTATE WASHDC

TO AMEMBASSY BRUSSELS

S E C R E T STATE 027525

FOLLOWING REPEAT STATE 027525 ACTION KUWAIT RABAT ROME ATHENS
BEIRUT MANAMA ABU DHABI SANAA JIDDA TRIPOLI ALGIERS NOUAKCHOTT
TUNIS CAIRO 11 FEB, 5 MAR , AND 06 MAR 74

QTE

S E C R E T STATE 027525

E.O. 11652: GDS

TAGS: PINS, XF, KU

SUBJ: TERRORISM - THE ROME FIVE

REF: (A) STATE 247143; (B) KUWAIT 4429; (C) STATE 11908;

(D) RABAT 281; (E) ROME 110; (F) BEIRUT 67;

(G) ROME 1604

FOR AMBASSADOR

1. BEGIN SECRET. AS TIME PASSES WITHOUT GOK'S SUCCEEDING
IN PROFESSED OBJECTIVE OF TURNING ROME FIVE OVER TO PLO
AND IN LIGHT OF IMPLICATIONS ARISING OUT OF TERRORIST
ATTACK AGAINST JAPANESE EMBASSY IN KUWAIT, OUR CONCERN
GROWS THAT ROME TERRORISTS MAY YET END UP RELEASED WITHOUT
EITHER TRIAL OR EXTRADITION TO ANOTHER COUNTRY OR AUTHORITY.
IN SPITE OF REFTTEL (G) ASSURANCES, KUWAITIS HAVE ALREADY
TURNED DOWN ITALIAN GOVERNMENT REQUEST FOR EXTRADITION ON
GROUNDS--IMPROPER TO US--THAT CRIMES WITH WHICH THESE MEN
ARE CHARGED WERE POLITICAL ACTS.

SECRET

SECRET

PAGE 02 STATE 027525

2. YOU HAVE ALREADY MADE ONE REPRESENTATION TO GOK ON THIS

ISSUE (REF B), BUT IN VIEW OF PASSAGE OF TIME, TURNDOWN OF THIS ITALIAN EXTRADITION REQUEST, VARIOUS REPORTS WE ARE GETTING INDICATING GROWING GOK EAGERNESS TO GET ROME FIVE OUT OF KUWAIT, AND FINALLY POSSIBLE RAMIFICATIONS OF ATTACK ON JAPANESE EMBASSY, WE BELIEVE IT NOW APPROPRIATE FOR YOU TO RAISE SUBJECT ONCE AGAIN, AND IN SO DOING TO DELIVER TO FOREIGN MINISTER NOTE QUOTED IN PARAS 7 AND 8 BELOW, WHICH

SEEKS GOK ASSURANCES RE EXTRADITION, TRIAL, OR CONTINUED IMPRISONMENT OF TERRORISTS.

3. DEFINITION OF POLITICAL ACTS FOR WHICH STATES ARE RELIEVED FROM OTHERWISE APPLICABLE OBLIGATION TO PROSECUTE OR EXTRADITE IS ONE OF MOST DIFFICULT ISSUES WE FACE IN ATTEMPTING TO DRAFT AND NEGOTIATE MULTILATERAL AGREEMENTS CONCERNING HIJACKING, PROTECTION OF DIPLOMATS, AND TERRORISM GENERALLY. WE CONSIDER IT IMPORTANT THAT MAJOR GOVERNMENTS SUCH AS U.S. BE CLEARLY ON RECORD IN OPPOSITION TO ANNOUNCED GOK VIEW THAT TERRORISTS' CRIMES ARE POLITICAL ACTS NOT PUNISHABLE AS VIOLATIONS OF MUNICIPAL OR INTERNATIONAL LAW. BECAUSE GOK FIRST ANNOUNCED THAT VIEW IN CONNECTION WITH ITALIAN EXTRADITION REQUEST, OUR ORIGINAL DEMARCHE WOULD NOT BEAR DIRECTLY ON THAT POINT.

4. WE WOULD NOT, OF COURSE, URGE APPROACH TO GOK IF YOU BELIEVE IT MIGHT REDUCE SOME REAL POSSIBILITY THAT IT WILL CONTINUE TO HOLD THE TERRORISTS PENDING ARRANGEMENTS FOR PROSECUTION OR EXTRADITION. WE FEAR, HOWEVER, THAT CURRENT CIRCUMSTANCES MAY PUSH KUWAIT TOWARDS DECISION TO RELEASE THESE MEN.

5. WE ARE VERY COGNIZANT OF KUWAITI DOMESTIC AND INTER-ARAB CONSIDERATIONS WHICH TRADITIONALLY DICTATE EXTREME FLEXIBILITY BY GOK ON SENSITIVE POLITICAL ISSUES. HOWEVER, PLEASE STRESS TO SHAYKH SABAH THAT THIS PARTICULAR CASE IS NOT RPT NOT ONE IN WHICH USG WILL FIND IT EASY TO TURN OTHER CHEEK. #97)\$ *8;3 ?3 *433\$, OUR OVERALL RELATIONS WITH KUWAIT, WHICH WE WISH VERY MUCH TO IMPROVE AND EXPAND, WILL BE IN FOR SEVERE BUFFETING. CASE OF ROME FIVE IS NOT RPT NOT SITUATION WHERE WE CAN ACQUIESCE, AND WE BELIEVE NOW IS NO TIME TO LET GOK MAKE MISTAKE OF
SECRET

SECRET

PAGE 03 STATE 027525

INTERPRETING OUR SILENCE ON THIS ISSUE OVER PAST FEW WEEKS AS LACK OF CONCERN. THEY SHOULD BE MADE AWARE THAT RELEASE OF THESE TERRORISTS WILL PRESENT MAN-SIZED PROBLEM BETWEEN OUR TWO COUNTRIES.

6. THUS, UNLESS YOU PERCEIVE SOME OVERRIDING PROBLEM, WE SUGGEST YOU DELIVER FOLLOWING NOTE TO SHAYKH SABAH AND DISCUSS WITH HIM INFORMALLY ABOVE-OUTLINED PROBLEMS CON-

FRONTING OUR COMMON INTERESTS--PROBLEMS WE WANT VERY MUCH TO AVOID. END SECRET.

7. BEGIN UNCLASSIFIED. QUOTE: THE GOVERNMENT OF THE UNITED STATES OF AMERICA WISHES TO EXPRESS ANEW THE GREAT IMPORTANCE IT ATTACHES TO THE EXTRADITION FROM KUWAIT OR TRIAL IN KUWAIT OF THOSE ACCUSED OF ASSASSINATING AMERICAN CITIZENS WHO WERE PASSENGERS ABOARD A PAN AMERICAN AIRCRAFT WHEN IT WAS ATTACKED AT ROME AIRPORT. IN THE VIEW OF THE

UNITED STATES, THE MURDER OF AMERICAN CITIZENS AND CITIZENS OF OTHER COUNTRIES IN THE COURSE OF THIS ATROCIOUS INCIDENT, THE ASSAULT UPON THE AIRCRAFT, AND THE HIJACKING ABROAD OF STILL ANOTHER AIRCRAFT, CONSTITUTE GRAVE OFFENSES UNDER INTERNATIONAL LAW, THE LAW OF THE STATES HAVING JURISDICTION AND THE GENERAL PRINCIPLES OF LAW RECOGNIZED BY CIVILIZED NATIONS. THE ACTS CONSTITUTING THESE OFFENSES CANNOT REASONABLY BE QUALIFIED AS POLITICAL ACTS AS TO WHICH EXTRADITION WOULD NOT BE IN ORDER.

8. QUOTE: IN VIEW OF THESE CONSIDERATIONS, THE UNITED STATES GOVERNMENT REQUESTS THE ASSURANCE OF THE GOVERNMENT OF KUWAIT THAT THOSE ACCUSED WILL EITHER BE EXTRADITED TO AN APPROPRIATE JURISDICTION OR TRIED IN KUWAIT FOR CRIMES OF THE REQUISITE GRAVITY. PENDING A DECISION ON THEIR DISPOSITION, THE UNITED STATES GOVERNMENT FURTHER REQUESTS THE ASSURANCE OF THE GOVERNMENT OF KUWAIT THAT THOSE ACCUSED WILL REMAIN IMPRISONED IN THE CUSTODY OF THE GOVERNMENT OF KUWAIT. END QUOTE. END UNCLASSIFIED
KISSINGER UNQTE RUSH UNQTE KISSINGER

SECRET

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 22 MAR 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: golinofr
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974STATE027525
Document Source: CORE
Document Unique ID: 00
Drafter: S/CCT: JNGATCH
Enclosure: n/a
Executive Order: RR
Errors: N/A
Film Number: n/a
From: SECSTATE WASHDC
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740320/aaaaasfj.tel
Line Count: 145
Locator: TEXT ON-LINE
Office: ORIGIN SCCT
Original Classification: SECRET
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: SECRET
Previous Handling Restrictions: n/a
Reference: 74 STATE 247143, 74 KUWAIT 4429, 74 STATE 11908, 74 RABAT 281, 74 ROME 110, 74 BEIRUT 67
Review Action: RELEASED, APPROVED
Review Authority: golinofr
Review Comment: n/a
Review Content Flags:
Review Date: 01 APR 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <01 APR 2002 by collinp0>; APPROVED <05 JUN 2002 by golinofr>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: TERRORISM - THE ROME FIVE
TAGS: PINS, XF, KU
To: BRUSSELS
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005